



**Winston H. Hickox**  
*Secretary for  
Environmental  
Protection*

# State Water Resources Control Board

## Division of Water Rights

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Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.waterrights.ca.gov>



**Gray Davis**  
*Governor*

**NOTICE OF PETITION FOR TEMPORARY CHANGE  
INVOLVING THE TRANSFER OF 26,428 ACRE-FEET OF WATER FROM  
THE CALIFORNIA DEPARTMENT OF WATER RESOURCES  
TO DEL PUERTO WATER DISTRICT, PANOCHÉ WATER DISTRICT,  
SAN LUIS WATER DISTRICT, AND TRANQUILITY IRRIGATION DISTRICT  
UNDER PERMIT 16482 (APPLICATION 17512)**

Notice is hereby given that on July 25, 2003

Department of Water Resources  
c/o Nancy Quan, Chief  
Project Water Contracts Branch  
P.O. Box 942836  
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB) a Petition for Temporary Change under Water Code Section 1725, et seq. If approved, the Del Puerto Water District (DPWD), Panoche Water District (PWD), the San Luis Water District (SLWD), and the Tranquility Irrigation District (TID), served by the U.S. Bureau of Reclamation's (USBR) Central Valley Project (CVP), would be temporarily added to the authorized place of use under the Department of Water Resources (DWR) permitted Application 17512. Temporary changes under Water Code section 1725 may be effective for a period up to one year.

### **DESCRIPTION OF THE TRANSFER:**

The water proposed for transfer under this petition was made available by two previous exchanges between Kern County Water Agency (KCWA) and CVP contractors DPWD, PWD, SLWD, and TID.

The first exchange occurred in April 2000 when DPWD, SLWD, TID, and San Benito County Water District (SBCWD) transferred 23,941 af of their CVP water to KCWA in exchange for delivery of a like amount of its State Water Project (SWP) water over several years. Since a portion of KCWA is located within the CVP place of use, SWRCB approval was not required for it to receive CVP water. From June 2003 through December 31, 2003, KCWA has agreed to provide up to 8,000 af of its SWP water to DPWD, SLWD, and TID (SBCWD is not involved in this transfer). KCWA indicated that the remainder of the 23,941 af may be returned in future years.

The second exchange occurred between February and April 2003 when DPWD, PWD, and SLWD transferred 18,428 acre-feet (af) of their CVP water to KCWA in exchange for a like amount of its SWP water from June 2003 through May 2004. Accordingly, DWR submitted this petition to allow DPWD, PWD, SLWD, and TID to receive up to a total of 26,428 af of its SWP

water upon approval of this petition through May 2004. The transfer total (26,428 af) is divided amongst the transferees as follows: 10,000 af for DPWD; 5,500 af for PWD; 9,928 af for SLWD; and 1,000 af for TID.

In the absence of this transfer, KCWA would receive the subject 26,428 af of water from DWR for use within its service area or diversion to underground storage.

**STATUS OF DWR'S WATER RIGHT:**

Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to collect up to 1,100,000 af per annum by storage, to be diverted from the Sacramento and San Joaquin watersheds, and San Luis Creek between January 1 and December 31. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and to generate incidental power. The subject 26,428 af has either already been stored or will be stored in San Luis Reservoir under provisions of DWR's permits as amended by SWRCB Decision 1641, conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act. Thus, the transfer of up to 26,428 af to DPWD and SLWD should have no effect on any natural streamflow or hydrologic regime. Instantaneous release rates from San Luis Reservoir may increase due to the proposed transfer.

**STATUS OF SLWD'S AND DPWD'S PROJECTS:**

The service areas of DPWD, PWD, SLWD, and TID are shown on a map (dated May 2003) submitted with the petition. This map is available for viewing with the copy of this notice posted on the Division of Water Rights' website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov), Water Transfers Program.

SLWD and PWD have been identified as sources of agricultural drainage to the San Joaquin River. The petition states that in the absence of this transfer, additional groundwater would be pumped to meet the water demands. The petition asserts that groundwater would contain a higher concentration of salts than the surface water available for transfer and would therefore require a higher leaching fraction and thus increased application rates. Thus, the petition concludes that the transfer would result in less agricultural drainage with a lower concentration of salts.

Additionally, the petition states that SLWD and PWD have implemented programs to increase irrigation efficiency and reduce drain water leaving these districts. These programs include metered deliveries, lined canals and piping of water, assistance to members to increase irrigation efficiency, and groundwater management.

DPWD and TID have not been identified as sources of agricultural drainage to the San Joaquin River. However, the petition states that its members have implemented some of the programs listed above to increase their irrigation efficiency.

## COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the SWRCB must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

### SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et seq., then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

### OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary change of water rights under the transfer. Any person may file comments concerning the petition for temporary change. The comments must address the required findings numbered 2. and 3., set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the SWRCB determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Comments filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on September 25, 2003**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the petitioner**, at the address listed below. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Division of Water Rights  
c/o Greg Wilson  
P.O. Box 2000  
Sacramento, CA 95812-2000  
FAX: (916) 341-5400

State Department of Water Resources  
c/o Nancy Quan  
P.O. Box 942836  
Sacramento, CA 94236-0001  
FAX: (916) 653-9628

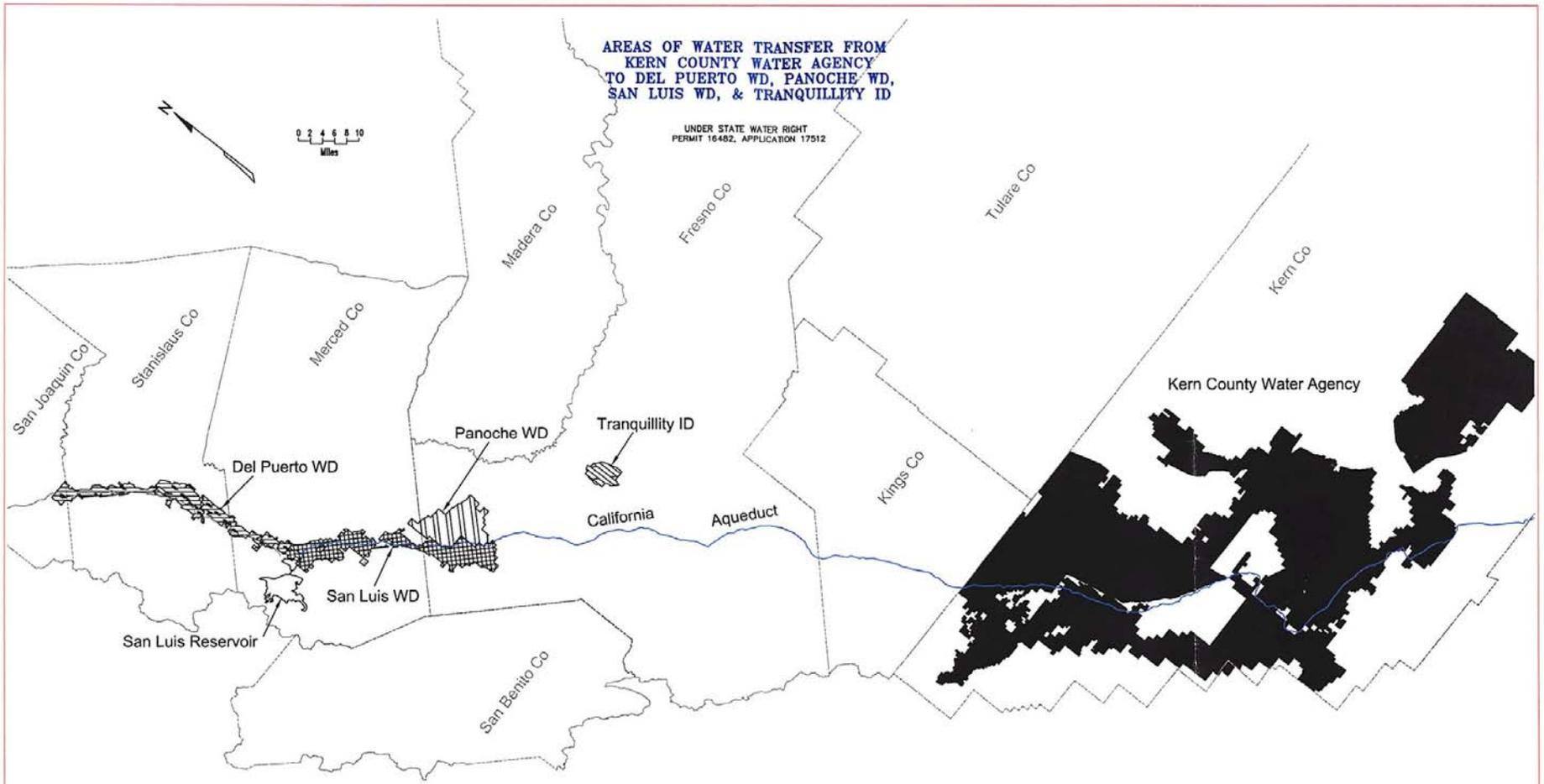
Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner should be addressed as follows:

DWR-SWP (petitioner): Nancy Quan (916) 653-9593  
FAX: (916) 653-9628

*Original signed by  
Victoria A. Whitney for*

Harry M. Schueller  
Chief Deputy Director

Dated: 8/19/03



I, Nancy Quan, of Sacramento, California, do hereby certify that this map was made during May 2003, from data deemed by me to be reliable and that it correctly represents the locations of physical works, place of use and lands to be irrigated described in the accompanying Notice of Petition.

*Nancy Quan*

Engineers License C30792